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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,830	07/26/2001	Donald X. Smith II	10006971-1	8744

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EXAMINER

LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
	2143

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/916,830	SMITH, DONALD X.
Examiner	Art Unit	
Arrienne M. Lezak	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on ____.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) Claim(s) ____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) ____ is/are objected to.

8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 26 July 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date ____.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.

5) Notice of Informal Patent Application (PTO-152)
 6) Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-9 & 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,012,087 to Freivald.

3. Regarding Claims 1, 2, 7, 8, 13, 14, 17 & 18, Freivald discloses a network update tracking system in a server, (Abstract; Col. 1, lines 19-67; Col. 2, lines 1-17; Claims 1-20; & Fig. 5), comprising:

- a processor circuit having a processor and a memory, (Fig. 5; Col. 5, lines 52-67; Col. 6, lines 1-67; & Col. 7, lines 1-21);
- update detection logic stored on the memory and executable by the processor, the update detection logic comprising logic that detects a number of updates in a corresponding number of network sites, (Fig. 5; Col. 5, lines 52-67; Col. 6, lines 1-67; & Col. 7, lines 1-21); and
- logic that generates an update report to be sent to a client via a network, the update report listing at least one of the updates, (Fig. 5; Col. 5, lines 52-67; Col. 6, lines 1-67; Col. 7, lines 1-21; & Col. 14, lines 55-60);

wherein the update detection logic further comprises logic that transmits the update report to the client via the network, (pending Claims 2, 8, 14, 17 & 18), (Fig. 5; Col. 5, lines 52-67; Col. 6, lines 1-67; Col. 7, lines 1-21; & Col. 14, lines 55-60).

Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 1, 2, 7, 8, 13, 14, 17 & 18.

4. Regarding Claims 4, 11, 15 & 19, Freivald discloses a network update tracking system in a server wherein the logic that detects the number of updates in the corresponding number of network sites further comprises logic that compares a content measure of at least one of the network sites with a corresponding previous content measure upon an occurrence of a comparison event, (Fig. 5; Col. 5, lines 52-67; Col. 6, lines 1-67; & Col. 7, lines 1-21). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 4, 11, 15 & 19.

5. Regarding Claims 5 & 9, Freivald discloses a network update tracking system in a server wherein the logic that generates the update report to be sent to the client via the network further comprises logic that embodies the update report into an electronic mail message; and wherein the logic that transmits the update report to the client via the network further comprises logic that transmits the electronic mail message to the client via the network, (Col. 6, lines 35-42 & Col. 14, lines 55-60). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 5 & 9.

6. Regarding Claims 6, 12, 16 & 20, Freivald discloses a network update tracking system in a server wherein the logic that detects the number of updates in the corresponding number of network sites further comprises logic that detects the occurrence of the comparison event, (Fig. 5; Col. 5, lines 52-67; Col. 6, lines 1-67; & Col. 7, lines 1-21). [Examiner further notes the use of alternate comparison events as noted within US Patent 6,209,026 B1 to Ran.] Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 6, 12, 16 & 20.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over further consideration of US Patent 6,012,087 to Freivald.

9. Regarding Claims 3 & 10, Freivald is relied upon for those teachings disclosed herein. As noted above, Freivald discloses a network update tracking system wherein notification of change is delivered in report form via e-mail. Freivald does not specifically teach notification delivery via posting of the update report to a network site accessible by a user via the client through the network. Network posting of update reports would have been obvious to one of ordinary skill in the art at the time of

invention by Applicant, as Freivald discloses storage/database of user-related information for webpage update notification purposes, (Col. 6, lines 28-30), as well as a web-based communication tool, (Col. 6, lines 41-42). Examiner notes that it would have been obvious to include a URL for a user-related website within the aforementioned database for purposes of user notification, wherein the user would be able to randomly check the same without need for an e-mail notification, thereby reducing network traffic. Thus, Claims 3 & 10 are found to be unpatentable of considerable consideration of Freivald.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Pub. No.: US 2002/0143813 A1 to Jellum;

US Patent Pub. No. US 2002/0013782 A1 to Ostroff; and

US Patent No. US 6,209,026 B1 to Ran.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak
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